

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EDWARD LAMAR BLOODWORTH,

Plaintiff,

V.

**UNITED STATES OF AMERICA and
JOHN and/or JANE DOES,**

Defendants.

CIVIL ACTION NO. 5:13-CV-112 (MTT)

ORDER

This matter is before the Court on the Plaintiff's motion for summary judgment. (Doc. 17). The Plaintiff argues, without citing any authority, "[u]nder [i]mmigration [l]aw a 601 hearing absolutely requires the presence of a spouse, in fact the spouse is a more important witness than the Respondent." (Doc. 17 at 1). The Plaintiff asserts, through his own unsworn testimony, that he was denied access to the immigration court in Atlanta, Georgia on six occasions. The Plaintiff believes "the Court has enough information and evidence to determine whether ... a spouse can be denied access to a 601 hearing time and time again over a span of almost one year." (Doc. 17 at 2). The Plaintiff also asserts that "the [D]efendants currently cannot put forth a single witness or any evidence that those denials to [the court] did not occur[.]" and they "will not be able to produce any evidence or witnesses [during discovery] that validates the denials." (Doc. 17 at 2). The Defendants argue that the Plaintiff has not shown that the material facts are undisputed or that he is entitled to judgment as a matter of law.

The Plaintiff is not asking for appropriate relief in the context of his Federal Tort Claims Act or *Bivens* claims. Instead, the Plaintiff seems to be asking the Court to confirm some abstract legal principle. Perhaps he intended to, although he did not, move for partial summary judgment on the issue of liability. Even if the Plaintiff had done so, the record before the Court is insufficient to rule on his claims. Summary judgment must be based on undisputed facts in the record. Accordingly, the Plaintiff's motion is **DENIED**.

SO ORDERED, this the 25th day of September, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT